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July 28, 2010

Hon. Michael A. Shipp, U.S.M.J.

MLK Federal Building and Courthouse

50 Walnut St

Newark, NJ 07102

(via mail and Fax to 973-645-4412)

RE: George et al v. Cedar Grove Police, et al
Civil Action No. 06-cv-6284

Dear Judge Shipp:

On July 16, 2010, I submitted a request for government records to the Township of Cedar Grove seeking certain records filed in the captioned matter. ¶ 5 of my request asked for:

A declaration was filed (Pacer Document 95) in support of Joseph A. Spinella's motions to withdraw as attorney (Doc. 93) and to seal records (Doc. 94). While the motions were, respectively, denied by Orders of February 4, 2010 (Doc. 102) and May 7, 2010 (Doc. 108), the Pacer system still does not allow the public access to the Declaration (Doc. 95). Therefore, I would like a copy of the Declaration (Doc. 95).

I am in receipt of a copy of Joseph A. Spinella's July 28, 2010 letter seeking the Court's advice on "what method that should be utilized to" alter the effect of the Court's May 7, 2010 Order which denied Mr. Spinella's request to Motion to Seal. In his letter, Mr. Spinella also requests "that the Court issue an Order temporarily withholding the said release pending an in camera review respecting issues of privacy and attorney-client privilege."

First, I don't believe that is proper for Mr. Spinella to ask for the Court's advice on how to proceed. Second, I don't believe it is appropriate for Mr. Spinella, without filing a formal application, to ask the Court to enter any sort of order in this matter.


Mr. Spinella moved to seal the record and his motion was denied more than three months ago. If he wishes relief from the effect of that denial, he should formally move for relief under Fed.R.Civ.P. 59(e), Fed.R.Civ.P. 60(b), L.Civ.R. 7.1(i) or any other applicable rule. It doesn't appear, however, that a motion under Fed.R.Civ.P. 59(e) or L.Civ.R. 7.1(i) would be timely. It also doesn't appear that Mr. Spinella could meet the requirements of Fed.R.Civ.P. 60(b).

Still, I don't wish for my records request, which Cedar Grove needs to respond to within seven business days (in accordance with N.J.S.A. 47:1A-5(i)) to deprive Mr. Spinella of at least trying to move for relief if he wishes. Accordingly, I am granting Cedar Grove until August 14, 2010 to respond to ¶ 5 of my request. And, provided that Mr. Spinella files and serves a motion for relief from the denial of his motion to seal on or before August 13, 2010 that has a return date of September 7, 2010, I will grant an additional extension until September 9, 2010.

I have no particular interest in intervening in this action, but will do so if the Court wishes for me to.

Thank you for your attention to this matter.

Respectfully,

A handwritten signature in black ink, appearing to be 'John Paff', with a large, stylized loop at the end.

John Paff

cc. Joseph A. Spinella, Esq. (via e-mail only to jaspinella@optonline.net)
Anthony P. Seijas, Esq. (via e-mail only to aseijas@scarincihollenbeck.com)
Kathleen R. Stutz, Clerk (via e-mail only to townclerk@cedargrovenj.org)